

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re:)	
)	WC Docket No. 09-144
Securus Technologies, Inc.)	
Petition for Declaratory Ruling)	

COMMENTS OF MILLICORP

William P. Cox, Esq.
Shumaker, Loop & Kendrick LLP
240 S. Pineapple Avenue
Sarasota, Florida 34236
(941) 364-2733 (Direct Dial)
(941) 366-3999 (Fax)
wcox@slk-law.com

Counsel for Millicorp

Dated: August 28, 2009

TABLE OF CONTENTS

	Page
I. BACKGROUND	2
II. MILLICORP IS A LEGITIMATE INTERCONNECTED VOIP PROVIDER.	4
III. MILLICORP'S CONSCALLHOME SERVICE OFFERING IS NOT AN UNLAWFUL "CALL DIVERSION SCHEME."	6
III. SECURUS HAS NO LEGAL BASIS AND NO REASONABLE SECURITY CLAIM TO SUPPORT BLOCKING OF CALLS TO MILLICORP CUSTOMERS.	10
A. <i>Unlawful Blocking Schemes of Inmate Calling Service Providers</i>	11
1. <i>FCC <u>Operator Services</u> and <u>Billing Party Preference</u> Decisions</i>	11
2. <i>Blocking Not Supported by Other FCC Precedent and Federal Law</i>	13
B. <i>No Legitimate and Rational Basis for Alleged Security Concern</i>	17
C. <i>Millicorp's Service Not Prohibited Call-Forwarding or Three-Way Calling</i>	20
IV. CONCLUSION	22

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re:)	
)	WC Docket No. 09-144
Securus Technologies, Inc.)	
Petition for Declaratory Ruling)	

To the Commission:

COMMENTS OF MILLICORP

MILLICORP, through counsel, hereby submits to the Federal Communications Commission (“Commission” or “FCC”) , in accordance with the Commission’s Public Notice DA 09-1781, released August 10, 2009, these comments in response to the Petition for Declaratory Ruling of Securus Technologies, Inc. (“Securus”), filed July 24, 2009. Securus requests that the Commission issue a ruling that “call diversion schemes” are a form of dial-around calling which Securus is permitted to block under the Commission’s previous ruling in *Policies and Rules Concerning Operator Service Providers*, CC Docket No. 90-313, Report and Order, 6 FCC Rcd. 2744 (1991). For the reasons set forth below, Millicorp requests that the Commission deny the Petition filed by Securus and declare the blocking of inmate calls to Millicorp customers by Securus, Global Tel*Link Corp. (“GTL”), and other FCC regulated inmate calling service (“ICS”) providers unlawful under federal communications law, policy, and regulations and immediately prohibit Securus and other ICS providers from engaging in such blocking schemes.

Millicorp respectfully urges the Commission to act swiftly to eliminate these call blocking activities. If the Commission does not act swiftly, FCC registered and compliant providers, such as Millicorp, will be forced out of business and no longer able to bring secure, new, and innovative communications services to market. By taking the requested actions, the Commission will promote competition and innovation in the telecommunications industry, while preserving the security necessary for calls from inmate confinement facilities. As these

comments will clearly demonstrate, there is no rational and legitimate security threat to confinement facilities or public safety and welfare presented by the service offered by Millicorp.

Such actions would also assist the Commission in addressing the long-standing price gouging of the friends and families of inmates by ICS providers, as well as recent problems with contraband cellphones smuggled into confinement facilities, which result in part from the excessive rates charged by ICS providers. With less expensive phone charges for the friends and families of inmates, inmates will have more interaction with their loved ones, often times resulting in a happier more passive inmate and thereby reducing violence and creating a more secure and safe prison environment. More importantly, the Commission would be responding to the demands of the law-abiding American people who are victimized by these ICS provider call blocking schemes and who have let Millicorp and the Commission know in significant numbers their outrage.

I. BACKGROUND

Millicorp is a nationwide interconnected voice over Internet Protocol (“VOIP”) provider based in Fort Myers, Florida, and is registered with the FCC (FRN 0018930511).¹ Millicorp provides a range of VOIP services, including services for small/medium-size businesses such as IP-based fax services under the “Millifax” brand and online PBX offerings under the “Millitalk” brand, as well as its current most popular offering and the subject in part of the instant Securus Petition, a VOIP offering designed to serve the needs of the friends and families of inmates, known as ConsCallHome (“CCH”).

Securus is a holding company for two operating companies, T-Netix Telecommunications Services, Inc. and Evercom Systems, Inc., which provide inmate calling services (“ICS”) via payphones located in federal, state, and local confinement facilities throughout the United States.² T-Netix/Evercom provides services to the friends and family members of inmates through their subsidiary, Correctional Billing Services (“CBS”). Securus

¹ Millicorp, a Florida corporation, purchased the assets of Teleware, LLC, a Florida limited liability company, in April 2009. Teleware was formed in January 2008 and was under the control and ownership of Wendy Meade, the sister of Millicorp president Timothy Meade, until the sale of Teleware’s assets to Millicorp in April 2009. Teleware provided the same interconnected VOIP service to the friends and families of inmates under the same business name, ConsCallHome.com prior to April 2009. *See* Exhibit A, Affidavit of Timothy Meade ¶¶ 1-3.

² *See* Securus Petition for Declaratory Ruling at 1-2.

through its operating companies and GTL are the two dominant ICS providers in this country, having approximately 70-80% of the ICS contracts to serve state and local confinement facilities in the United States. As noted in the Securus Petition, ICS providers must comply with all state and federal regulations applicable to non-incumbent telecommunications common carriers, as well as meet the penological and security needs of the correctional facilities that they serve.³

ICS providers, such as Securus and GTL, provide two basic different inmate services: local collect or prepaid call service and long distance collect or prepaid call service. GTL and Securus provide these services pursuant to a contract with an inmate confinement facility. These contracts require GTL and Securus to deploy equipment inside prison walls that gives the inmate confinement facilities' employees the ability to monitor or record any call made by an inmate, as well as the ability to add or delete phone numbers on a daily basis from the phone numbers that each inmate is permitted to call.

These contracts also typically require Securus and GTL to pay the relevant inmate confinement facility a percentage of their billed ICS service revenues, as much as sixty percent (60%) in some cases.⁴ The prices that Securus and GTL charge friends and family of inmates who use their ICS services are extraordinarily high as the result of commissions paid to confinement facilities, which is well documented in the Commission's ongoing payphone proceeding, CC Docket No. 96-128.⁵ ICS providers such as Securus and GTL charge an average of \$3.95 per call for the local set-up and service and an average of \$.90 per minute for long distance services.⁶

³ See Securus Petition for Declaratory Ruling at 2.

⁴ See *In the Matter of Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order on Remand & Notice of Proposed Rulemaking, FCC 02-39, 17 FCC Rcd 3248, ¶ 27 (citing Florida House of Representatives, Justice Council, Committee on Corrections, *Maintaining Family Contact When a Family Member Goes to Prison* 29 (1998)).

⁵ See, e.g., Petition for Rulemaking by Martha Wright *et al.*, on referral from Wright v. Corrections Corporation of America, CA No. 00-293 (GK) (D.D.C.), CC Docket No. 96-128, filed November 3, 2003 ("Martha Wright Petition"); *Ex Parte* Letter from Advocacy Center for Persons with Disabilities, Inc., Florida's Protection and Advocacy Programs, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128, filed April 21, 2009; *Ex Parte* Letter from Frank Krogh, Attorney for Martha Wright Petitioners, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128, filed March 16, 2009 (citing *Inmate Payphone Order*, 17 FCC Rcd 3248, 3253 (2002)).

⁶ See, e.g., *Ex Parte* Letter from Frank Krogh, Attorney for Martha Wright Petitioners, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128, filed March 16, 2009.

II. MILLICORP IS A LEGITIMATE INTERCONNECTED VOIP PROVIDER.

In the instant Securus Petition, Securus requests a declaratory ruling from the Commission that it be allowed to block calls to communications service providers such as Millicorp. Securus claims that it is justified in blocking calls to Millicorp's customers because Millicorp is not a legitimate, certificated provider but is instead an unlawful "call diversion scheme" that presents a serious security risk to the correctional facilities that Securus serves.⁷

These allegations are not true. Millicorp is registered with the FCC as an interconnected VOIP provider (FRN 0018930511) and complies with all applicable FCC regulations, including E-911, Communications Assistance for Law Enforcement Act ("CALEA"), and universal service.⁸ Millicorp through its CCH service offering provides a legitimate, secure, and very popular technological solution to this ICS rate-gouging issue that the FCC has wrestled with for many years.⁹ The CCH service offering provides end-to-end interconnected VOIP service to friends and relatives of inmates in federal, state and local, public and private inmate confinement facilities across the United States.¹⁰

⁷ See Securus Petition for Declaratory Ruling at 11-13.

⁸ See Exhibit A, Affidavit of Timothy Meade, ¶ 13. The FCC has determined in its *Vonage Declaratory Ruling* that interconnected VOIP service, such as that provided by Millicorp, is an interstate service. See *In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, FCC 04-267, 18 FCC Rcd 19325 (2004). Therefore, the applicable regulations to interconnected VOIP providers such as Millicorp are predominately federal in nature.

⁹ See, e.g., *In the Matter of Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order on Remand & Notice of Proposed Rulemaking, FCC 02-39, 17 FCC Rcd 3248; Petition for Rulemaking by Martha Wright *et al.*, on referral from Wright v. Corrections Corporation of America, CA No. 00-293 (GK) (D.D.C.), CC Docket No. 96-128, filed November 3, 2003 ("Martha Wright Petition"); *Ex Parte* Letter from Advocacy Center for Persons with Disabilities, Inc., Florida's Protection and Advocacy Programs, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128, filed April 21, 2009; *Ex Parte* Letter from Frank Krogh, Attorney for Martha Wright Petitioners, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128, filed March 16, 2009 (citing *Inmate Payphone Order*, 17 FCC Rcd 3248, 3253 (2002)).

¹⁰ While the Commission has not classified interconnected VOIP service as a telecommunication service (regulated under Title II, Chapter 47 of the U.S. Code) or other type of regulated communications service, interconnected VOIP service as provided by Millicorp in this context should be treated by the Commission similar to a telecommunication service because Millicorp's CCH service provides end-to-end voice service equivalent to telecommunications service as recognized by the FCC in its current regulatory treatment of interconnected VOIP service, whereby the FCC has applied numerous Title II requirements to interconnected VOIP providers. See, e.g.,

(continued)

Millicorp's interconnected VOIP CCH service offering utilizes IP-based technology and infrastructure, similar to that provided by other interconnected VOIP providers, such as Vonage, Google Voice, Magic Jack, and Skype, and provides the friends and family of inmates with reliable and secure services with significant savings.¹¹ Millicorp provides its CCH customers with a telephone number local to the same local exchange rate center as the relevant confinement facility and routes the call to the CCH customer's designated location via its IP-based network.¹²

In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Docket No. 03-211, Memorandum Opinion and Order, FCC 04-267, 18 FCC Rcd 19325 (2004); *In the Matters of IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 20 FCC Rcd 10245 (2005); *In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, RM-10865, Second Report and Order, and Memorandum Opinion and Order, FCC 06-56, 21 FCC Rcd 5360 (2006) Released Date: 05/12/2006 *In the Matters of Universal Service Contribution Methodology, IP-Enabled Services*, WC Docket Nos. 06-122, 04-36, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, NSD File No. L-00-72, Report and Order and Notice of Proposed Rulemaking, FCC-06-94, 21 FCC Rcd 7518 (2006); *In the Matter of Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, IP-Enabled Services*, CC Docket No. 96-115, WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, FCC 07-22, 22 FCC Rcd 6927 (2007); *In the Matters of IP-Enabled Services, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123, CC Docket No. 92-105, Report and Order, FCC 07-110, 22 FCC Rcd 11275 (2007); *In the Matters of Telephone Number Requirements for IP-Enabled Services Providers, Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, 22 FCC Rcd 19531 (2008).

¹¹ The Commission has defined "interconnected VOIP" as a service that (1) enables real-time, two way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet protocol-compatible customer premises equipment (CPE); and (4) permits users generally to receive calls that originate on the public switched telephone network (PSTN) and to terminate calls to the PSTN. 47 C.F.R. § 9.3. Millicorp's interconnected VOIP CCH offering largely meets this definition: (1) Millicorp CCH customers are able to make real time, two-way voice communications with inmates located in confinement facilities using inmate calling services such as service provided by Securus and GTL; (2) Millicorp's CCH service requires a broadband connection or other connection that is capable of receiving an interconnected VOIP communication (call); (3) Millicorp's CCH service does not require IP-compatible CPE; and (4) Millicorp's CCH service permits users generally to receive calls that originate on the PSTN, such as an inmate call from a confinement facility using an ICS provider's service, and to terminate calls to the PSTN. Moreover, Millicorp's CCH service offering qualifies as an interconnected VOIP service offering because Millicorp is reselling interconnected VOIP service from a wholesale interconnected VOIP provider, such as Level 3 Communications. See *In the Matter of Cardinal Broadband, LLC, AKA Sovereign Telecommunications, a Wholly Owned Subsidiary of Cardinal Communications, Inc.*, File No. EB-07-SE-310, Notice of Apparent Liability for Forfeiture and Order, DA 08-1920, 23 FCC Rcd. 12224, 12227 ¶ 6.

¹² See Exhibit A, Affidavit of Timothy Meade, ¶ 5. The Commission has recognized this type of VOIP offering as a legitimate service offering. See *In the Matters of Telephone Number Requirements for IP-Enabled Services Providers, Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, 22 FCC Rcd 19531 (2008) ¶ 34 n. 114 (finding that interconnected VOIP

(continued)

The calls that Millicorp's customers receive from inmates are at telephone numbers assigned to these customers as a part of the CCH service offering. The inmate confinement facility through the ICS payphone provider pre-approves all telephone numbers submitted for an inmate's calling list, including the customer's name and billing address, and has the ability to monitor and record all calls to Millicorp's CCH customers.¹³

Millicorp's CCH service offering does not allow CCH customers to receive collect call service from any ICS provider serving an inmate confinement facility. Instead, Millicorp's CCH service offering provides pre-paid interconnected VOIP service to its CCH customers by obtaining from a wholesale interconnected VOIP provider interconnected VOIP services and a telephone number for each customer that is a "local dial number" in the community where the inmate with whom that customer wants to communicate is incarcerated.¹⁴ Millicorp recovers all of its costs for the service in the price it charges its customers for its service, and the Millicorp CCH customer must have a separate pre-paid account with the selected ICS provider, such as Securus or GTL, to cover the local call charges assessed for the call by the inmate payphone provider as required by the applicable confinement facility.¹⁵

III. MILLICORP'S CONSCALLHOME SERVICE OFFERING IS NOT AN UNLAWFUL "CALL DIVERSION SCHEME."

Securus defines a "call diversion scheme" as follows: "call diversion schemes re-route inmate-initiated calls to unknown terminating telephone numbers." Securus identifies the Millicorp CCH service offering as such an unlawful "call diversion scheme".¹⁶ As explained above, the Millicorp CCH service offering is no such thing. Millicorp is an FCC-registered interconnected VOIP provider compliant with FCC regulations applicable to such providers.¹⁷

providers offer phone numbers to their customers not necessarily based on the geographic location of those customers).

¹³ See Exhibit A, Affidavit of Timothy Meade, ¶¶ 6, 19.

¹⁴ See *Id.*, ¶¶ 4, 7.

¹⁵ See *Id.*

¹⁶ See Securus Petition for Declaratory Ruling at 6-7.

¹⁷ See Exhibit A, Affidavit of Timothy Meade, ¶ 13.

(continued)

Millicorp has contributed and continues to contribute to the federal universal service fund in compliance with applicable FCC regulations and Section 254 of the Telecommunications Act.¹⁸ Further, Millicorp's CCH offering utilizes interconnected VOIP technology in the same way as many other similar providers, such as Vonage and Google Voice, by offering phone numbers to customers not based on the geographic location of those customers, which the FCC has recognized as a legitimate use of the technology.¹⁹ Moreover, law enforcement agencies have the capability to request all information about the Millicorp customer, including name, billing address, and the ultimate destination of the terminating call.

Therefore, it is categorically untrue that law enforcement agencies have no ability to investigate the called party when a call is made to a Millicorp CCH customer.²⁰ A number of such authorities have investigated Millicorp's CCH customers and calls to them from inmates, requesting call records and other information, and Millicorp has fully complied with the requests from these authorities and provided the needed call detail records and other information. Millicorp has also assisted law enforcement in investigations of major credit card fraud crime rings.²¹ Millicorp should not be stereotyped with other providers who openly advocate illegal activities, such as subverting "blocked calls" to prohibited parties, *e.g.*, prosecutors and judges, or who cannot otherwise be identified.²² Quite the opposite, Millicorp has openly registered with the FCC as an interconnected VOIP provider and sought to comply with all applicable FCC regulations, has responded promptly to communications from counsel for Securus, and, in

¹⁸ See *Id.*; 47 U.S.C. §254.

¹⁹ The Commission has acknowledged that interconnected VOIP providers offer phone numbers to their customers not necessarily based on the geographic location of those customers. See *In the Matters of Telephone Number Requirements for IP-Enabled Services Providers, Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, 22 FCC Rcd 19531 (2008)¶ 34 n. 114.

²⁰ See Securus Petition for Declaratory Ruling at 8.

²¹ See Exhibit A, Affidavit of Timothy Meade, ¶ 18; Exhibit C, ConsCallHome Compliance with Law Enforcement Subpoenas.

²² See Securus Petition for Declaratory Ruling at 8; Millicorp/CCH has no business or other relationship with any of the providers cited in the Securus Petition, such as Portal32.com, Getconnectedus.net, or Local 123.

advance of the instant Securus Petition, on July 15, 2009, contacted and requested the FCC's Enforcement Bureau to investigate the unlawful call blocking practices of Securus and GTL.²³

Securus in its Petition makes a number of other misrepresentations regarding Millicorp and its CCH service offering. First, Millicorp does not serve any current customers who receive calls from inmates in the two Missouri jails referenced in the Securus Petition, Lafayette County and Marion County.²⁴ Despite the unfounded claims of Securus, Millicorp has provided its CCH service offering to only one customer who received calls from inmates in either of these two confinement facilities, and that customer only received the CCH service offering for less than one month and has since discontinued the service.²⁵ Second, at no time has Millicorp or its representatives claimed that it purchases telephone numbers from Securus. Millicorp purchases its numbers from wholesale interconnected VOIP providers, such as Level 3 Communications and Broadvox LLC.²⁶ Further, Millicorp is not encouraging any of its CCH customers to provide false information or otherwise defraud correctional authorities or law enforcement.²⁷ It is simply utilizing a lawful and legitimate communications technology (VOIP) to allow the friends and families of inmates to connect in a cost effective way with their incarcerated loved ones. Moreover, Securus twists language on ConsCallHome website, such as "works with correctional facilities", to claim that Millicorp/CCH is misrepresenting its relationship with correctional facilities.²⁸ Millicorp has never represented that it is part of the public bidding process or has any direct contractual relationship with any correctional facility.

This situation is no different than any other interconnected VOIP provider or local telecom service provider that an inmate can dial from a confinement facility as a local call. Securus has demonstrated no "exceptional set of circumstances" as required by the previous

²³ See Exhibit D, Teleware Response to Securus Cease and Desist Letter; Request for Investigation Letter to Trent Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, FCC, from William P. Cox, Counsel for Millicorp, dated July 15, 2009.

²⁴ See Securus Petition for Declaratory Ruling at 11.

²⁵ See Exhibit A, Affidavit of Timothy Meade, ¶ 22.

²⁶ See *Id.*, ¶ 4.

²⁷ See *Id.*, ¶ 22.

²⁸ See Securus Petition for Declaratory Ruling at 15.

Commission ICS decision to justify its blocking of the CCH service offering.²⁹ The bottom line is that the CCH interconnected VOIP service offering is simply “your grandmother’s VOIP” provided by a law abiding, FCC registered interconnected VOIP provider, Millicorp. There is nothing mysterious, hidden, or unlawful about the service Millicorp provides. Millicorp’s CCH offering is no more unlawful “modern day dial-around” service than any other provider’s service, such as Vonage or Google Voice, which provide the exact same type of interconnected VOIP services. In addition to the Federal Bureau of Prisons, the states of Arizona, Michigan, New Hampshire, and Oregon have recognized VOIP technology as legitimate and prohibited blocking of inmate calls to VOIP customers in those states, yet Securus continues to block calls to VOIP customers in most if not all of those very states.³⁰ As a result, the blocking scheme that Securus advocates and has implemented with a vengeance is not a necessary tool to provide security and should not be used to eliminate this competitive choice for the friends and families of inmates.³¹

Millicorp recognizes that ICS services are typically contracted for by confinement facilities through the public bidding process.³² However, every telecommunications company and interconnected VOIP provider with working telephone numbers for its customers local to the confinement facility does not contract with the confinement facility in order for the ICS provider to terminate calls to those local telephone numbers. In fact, no provider contracts with the inmate confinement facility other than the ICS provider. This argument by Securus lacks any relevancy and in no way demonstrates that a provider such as Millicorp represents an unlawful “call diversion scheme.”

Finally, the Commission’s inaction on a previous petition for declaratory ruling filed with the Commission by a now defunct company called Outside Connection, Inc. has no legal bearing

²⁹ See Securus Petition for Declaratory Ruling at 18.

³⁰ See, e.g., <http://www.etccampaign.com/progress.php>, viewed August 28, 2009; see also Securus Petition for Declaratory Ruling, Declaration of Robert Pickens, Attachment A.

³¹ Between May 2009 and July 2009, Securus blocked inmate calls to a minimum of 2,000 Millicorp CCH telephone numbers. Securus actively identified thousands of CCH telephone numbers through direct queries to existing Millicorp CCH customers, as well as queries through Millicorp’s ConsCallHome.com website, where Securus representatives identified themselves as the users of CCH telephone numbers in order to verify with Millicorp that the numbers belonged to CCH customers. These telephone numbers were immediately blocked by Securus following said verification. See Exhibit A, Affidavit of Timothy Meade, ¶ 17.

³² See Securus Petition for Declaratory Ruling at 9.

on the instant Securus Petition.³³ Based on its petition, Outside Connection apparently used a remote call forwarding technology so that inmates could dial a local phone number to the given confinement facility and avoid long distance charges typically applied to traditional switched telephony. Even aside from the fact that Millicorp/CCH utilizes a different technology, interconnected VOIP, to route calls in a legitimate way recognized by the Commission, the Commission never ruled on the Outside Connection petition, and no legal conclusions or inferences can be drawn from this inaction by previous Commissions.³⁴

IV. SECURUS HAS NO LEGAL BASIS AND NO REASONABLE SECURITY CLAIM TO SUPPORT BLOCKING OF CALLS TO MILLICORP CUSTOMERS.

In late 2008, inmate payphone providers Securus and GTL began to program their inmate payphone equipment located inside confinement facility walls to reject calls to the local phone numbers that Millicorp had assigned to its CCH customers. Securus and GTL also have directed their representatives to not permit calls to customers served by Millicorp's CCH service offering due to Millicorp's use of telephone numbers local to the prison or jail at issue. Those ICS provider representatives have repeatedly claimed that Millicorp's business ConsCallHome is a fraud and its service is unlawful.³⁵ The vast majority of these blocks occur in state and local confinement facilities and not in federal facilities.³⁶ Securus and GTL do not serve the vast majority of federal inmate confinement facilities.

Initially, Securus and GTL blocked service to only a few of Millicorp's CCH customers but soon began blocking service to the majority of the CCH customers, including some who were long-term customers in good standing. By the beginning of 2009, GTL has blocked service to nearly all Millicorp customers who subscribe to Millicorp's interconnected VOIP offering, and Securus has now reached the same level of blocking of Millicorp customers as GTL as of July

³³ See Securus Petition for Declaratory Ruling at 9-11.

³⁴ See, e.g., *Potomac Riverkeeper, Inc. v. U.S. Environ. Protection Agency*, WL 890755,*12 (D.Md. 2006).

³⁵ See Exhibit A, Affidavit of Timothy Meade, ¶21.

³⁶ At least one federal confinement facility where blocking has occurred to date took place at the Leavenworth, Kansas federal correctional facility where Securus is the ICS provider. Millicorp believes that some call blocking of its service may be occurring in other federal confinement facilities, but not at the significant levels that presently occur in state and local confinement facilities.

2009.³⁷ Since December 1, 2008, Millicorp has lost at a minimum 4,000 customers due to the blocking of Securus and GTL. Many of these customer losses appear to be Millicorp CCH customers that were targeted specifically by the ICS provider due to the customer's historically high monthly usage of his or her Millicorp CCH telephone number. As a direct result of blocking of calls to Millicorp's CCH customers, Millicorp has been harmed and lost a significant portion of its customer base with a fifty to seventy percent (50%-70%) average month revenue loss, as well as significant damage to Millicorp's reputation and loss of goodwill.³⁸

A. *Unlawful Blocking Schemes of Inmate Calling Service Providers*

No ICS provider, including Securus and GTL, has legal authority under FCC precedent to block calls to Millicorp customers based on FCC decisions in *Operator Services* and *Billing Party Preference* proceedings or under other Commission precedent or federal law.

1. *FCC Operator Services and Billing Party Preference Decisions*

Securus claims that it is justified in blocking all calls to Millicorp customers because Millicorp's service is an unlawful "call diversion scheme" and a form of dial-around calling that the FCC has addressed in its ruling in its *Policies and Rules Concerning Operator Service Providers* docket.³⁹

First, in the cited Commission docket, the FCC adopted regulations to implement Section 226 of the Communications Act, the Telephone Operator Consumer Services Act of 1990.⁴⁰ This statute requires that all telephones "available to the public or to transient users" be programmed to permit the calling party to select the long distance carrier of the caller's choice by dialing that carrier's access code (rather than require the caller to use the long distance carrier selected by the owner of the phone).⁴¹ In its order in that rulemaking, the Commission held that

³⁷ See Exhibit B, Customer Complaints to FCC regarding Securus and GTL Call Blocking.

³⁸ See Exhibit A, Affidavit of Timothy Meade, ¶ 23.

³⁹ See Securus Petition for Declaratory Ruling at 1.

⁴⁰ See generally *Policies and Rules Concerning Operator Service Providers*, 6 FCC Rcd. 2744 (1991).

⁴¹ See Section 226(c) (stating that the requirement applies to all "aggregators") and Section 226(a)(2)(defining "aggregator" as any person that "makes telephones available to the public or to transient users of its premises for [making] interstate telephone calls using a provider of operator services").

(continued)

Section 226 does not require that phones used to provide inmate service be programmed so that each inmate caller may select the long distance carrier that will transmit a given call because that statute imposes this requirement only on phones “available to the public or to transient users”, and inmate phones are available only to incarcerated inmates rather than to the public or to transient users.⁴²

The Commission’s conclusion that Section 226 does not require that inmate service phones be programmed so that the inmate may select the long distance carrier that will carry each call, *i.e.*, dial-around blocking, is irrelevant to the present petition because (i) Millicorp is an interconnected VOIP provider providing a local telephone number to the friends and families of inmates; (ii) Millicorp does not ask the Commission to reverse its determination that Section 226 does not apply to inmate phones, (iii) the reprogramming of inmate phones is not required in order for Millicorp to provide its service, and (iv) Millicorp seeks to let the called party, not inmates, select the carrier from whom the called party obtains interconnected VOIP service. Neither Securus, GTL, nor any ICS provider has the legal right to dictate the choice of communications provider for the friends and families of inmates.

Second, any claim that the Commission held in the *Billed Party Preference* (“BPP”) rulemaking that Millicorp’s CCH service offering is contrary to the public interest and must be blocked is equally false. In that rulemaking, the Commission sought comment on whether it should promote competition in the payphone service market by requiring each local exchange carrier to install a new computerized database containing the carrier selection of anyone desiring to accept collect calls and then require each collect call to be routed to that new database to determine the selected carrier that would transport the call.⁴³ Although the Commission decided in response to these comments not to require BPP for collect calls from inmate phones because of its conclusion that the investment local exchange carriers would need to make in BPP infrastructure would be excessive,⁴⁴ that decision is irrelevant to the present petition because Millicorp provides its CCH service in a manner that requires local exchange carriers and ICS

⁴² *Policies and Rules Concerning Operator Service Providers*, *supra*, at para. 15.

⁴³ *See Billed Party Preference for InterLATA 0+ Calls, Notice of Proposed Rulemaking*, 7 FCC Rcd. 3027 (1992).

⁴⁴ *Billed Party Preference for InterLATA 0+ Calls, Second Report and Order and Order on Reconsideration*, 13 FCC Rcd. 6122, ¶ 57 (1998).

providers to deploy no BPP infrastructure of any sort, and Millicorp's CCH service offering does not utilize collect calls.

Further, Millicorp and its CCH service offering do not represent the type of traditional switched telephone long distance provider addressed with this restriction on dial-around. Millicorp is not any way changing the exclusive provider system of inmate calling services, as Millicorp is simply providing the ability to receive a local call, which can be made from any ICS provider located in any federal, state, or local confinement facility in the United States.

Finally, while Millicorp recognizes that legal precedent cited by Securus does permit reasonable security measures for ICS providers, these decisions do not authorize unfounded blocking schemes designed to increase revenues for providers and confinement facilities at the expense of the friends and families of inmates. In Washington v. Reno, the Court found that while "an inmate has no right to unlimited phone use", reasonable access to telephone services for inmates is protected by the First Amendment of the U.S. Constitution, and unreasonable restrictions by confinement facilities are not permitted.⁴⁵ Notwithstanding Washington v. Reno and other cases cited by Securus in its Petition that fail to support its blocking scheme, Millicorp is not part of the inmate calling service system, as its CCH service offering simply provides a local telephone number via interconnected VOIP service to the friends and families of inmates. As a result, Securus has no legal right to block the service of the CCH Millicorp customer.

2. Blocking Not Supported by Other FCC Precedent and Federal Law

Contrary of the assertions of Securus, the Commission has sought to encourage competition as a matter of policy under the Telecommunications Act of 1996. The Commission has summarily stopped efforts to block lawful and legitimate communications when brought to its attention.⁴⁶ As refuted in this Petition, there is no rational and legitimate public interest security claim that would serve to override the Commission's consistent enforcement of federal communications policy that serves to prevent the type of blocking at issue.

⁴⁵ See Securus Petition for Declaratory Ruling at 4; Washington v. Reno, 35 F.3d 1093 (6th Cir. 1994) (inmate has no right to unlimited telephone use; inmate's right to telephone access is subject to rational limitations in face of legitimate security interests of penal institution).

⁴⁶ See Madison River Communications, LLC, *supra*.

Blocking of telephone calls is prohibited by the Telecommunications Act and FCC precedent. Such call blocking is anticompetitive and unlawful in violation of the Communications Act of 1934, as amended, and Commission rules, regulations, and orders, including Sections 201(a) and (b) of the Communications Act of 1934, as amended (“Act”), and the Commission’s consent decree in *Madison River Communications*.⁴⁷

Further, Millicorp has received one or more customer complaints suggesting that the Securus subsidiary Correctional Billing Services may be discriminating against Millicorp by blocking Millicorp and not other similarly situated interconnected VOIP providers, such as Vonage. Section 202 of the Telecommunication Act prohibits a common carrier such as GTL or Securus from “unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, ...”.⁴⁸ However, more recent Securus representative statements to Millicorp customers suggest that Securus’ blocking policy is fluid and may now include the blocking of all interconnected VOIP providers serving the friends and families of inmates with telephone numbers local to confinement facilities, including Vonage.⁴⁹ In addition, comments from affected consumers filed in this Commission docket further substantiate that Vonage customers who utilize telephone numbers local to confinement facilities are in fact being blocked as well.⁵⁰

Violation of Section 201(a) of the Act. The blocking of telephone calls from inmates in confinement facilities to Millicorp’s customers violates Section 201(a) of the Act because ICS providers such as Securus and GTL have failed to provide their common carrier payphone service upon reasonable request of Millicorp and its customers.

Securus and GTL have engaged in a rampant, consistent, and willful blocking of calls from inmates in confinement facilities to Millicorp’s CCH customers. Securus and GTL block

⁴⁷ See 47 U.S.C. §§ 201(a) and (b); *In the Matter of Madison River Communications, LLC*, File No. EB-05-IH-0110, Consent Decree, 20 FCC Rcd 4295 (2005) (“*Madison River Communications*”) (FCC consent decree prohibiting telecommunications carrier from call blocking of VOIP provider communications resulting from investigation for compliance with 47 U.S.C. §201(b)).

⁴⁸ See 47 U.S.C. §202.

⁴⁹ See Exhibit A, Affidavit of Timothy Meade, ¶ 22.

⁵⁰ See, e.g., Comments of Leslie Miller, WC Docket No. 09-144, filed August 18, 2009; Comments of Cheryl Kay, WC Docket No. 09-144, filed August 18, 2009.

calls to all Millicorp's CCH customers if the particular CCH customer's telephone number assigned by Millicorp for its service does not correspond with a rate center in the same location as the customer's billing address, or if the Securus or GTL representative learn that ConsCallHome is the provider of the customer's telephone number.⁵¹ This blocking practice has the affect of disproportionately impacting interconnected VOIP providers, such as Millicorp, and their customers, as the Commission has recognized that the customers of interconnected VOIP providers often have telephone numbers in different locations than where they reside.⁵²

Such a practice directly conflicts with the common carrier obligation of Securus and GTL under Section 201(a) to "...furnish such communication service upon reasonable request therefor..." . Securus and GTL have systematically and routinely denied service to Millicorp and its CCH customers when presented with Millicorp CCH telephone numbers in confinement facilities where Securus or GTL provides inmate payphone services.⁵³

Violation of Section 201(b) of the Act. The blocking of telephone calls from inmates in confinement facilities to Millicorp's CCH customers also violates Section 201(b) of the Act because this blocking is an unjust and unreasonable practice that has no justification or merit and serves only to increase the profits and revenues of Securus, GTL, other ICS providers, and the inmate confinement facilities at the expense of the friends and families of inmates.

Section 201(b) of the Act which requires that all practices for a common carrier be "just and reasonable". Denying interconnected VOIP providers such as Millicorp and its customers, in this case the friends and family of inmates, the right to receive a call from a common carrier payphone provider is hardly a just and reasonable practice and fulfillment of an ICS provider's common carrier obligation as a payphone provider to inmate confinement facilities. While the Commission has recognized that inmate calling services, such as those provided by Securus and GTL, are unique from traditional payphone services due to security concerns primarily, the

⁵¹ See Exhibit A, Affidavit of Timothy Meade, ¶¶ 14-17.

⁵² The Commission has acknowledged that interconnected VOIP providers offer phone numbers to their customers not necessarily based on the geographic location of those customers. See *In the Matters of Telephone Number Requirements for IP-Enabled Services Providers, Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, 22 FCC Rcd 19531 (2008)¶ 34 n. 114.

⁵³ See Exhibit A, Affidavit of Timothy Meade, ¶ 14; Exhibit B, Customer Complaints to FCC regarding Securus and GTL Call Blocking.

Commission has in no way condoned the type of blocking engaged in by Securus and GTL nor has the Commission restricted interconnected VOIP providers, such as Millicorp, from receiving inmate calls from confinement facilities.⁵⁴

Violation of Section 253 of the Act. The blocking of telephone calls from inmates in confinement facilities to Millicorp's customers under the authority of state and local regulations prohibiting "call forwarding" and "three-way calling" violates Section 253(a) of the Act because such blocking serves to prohibit the ability of Millicorp to provide lawful interstate telecommunications service or the equivalent thereof as an interconnected VOIP provider.

The Commission should preempt any state or local regulations that would have the effect of restricting lawful communications (*i.e.*, telephone calls) to Millicorp's customers under Section 253(d) of the Act. This statutory prohibition requires the Commission to preempt local or state regulations to the extent that these regulations present barriers to entry for providers of interstate telecommunications or otherwise prohibit the ability of any entity to provide interstate telecommunications service. While the Commission may allow such restrictions by a state or local regulation if the regulation serves to protect the public safety and welfare, Securus has not provided any reasonable basis under Section 253(b) of the Act demonstrating that a legitimate security threat to the public safety and welfare exists as a result of Millicorp's CCH service offering or other similar services provided by other providers.

Violation of FCC Rules, Regulations, and Orders. The blocking of telephone calls from inmates to Millicorp's CCH customers violates various FCC rules, regulations, and orders designed to promote interconnection and competition for telecommunications services, most notably the Commission's order in *Madison River Communications*.⁵⁵ The Commission should uphold its Enforcement Bureau's clear precedent from the *Madison River Communications* consent decree to prohibit Securus' and GTL's blocking activity as it relates to interconnected

⁵⁴ See *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, FCC 02-39, 17 FCC Rcd 3248, ¶¶ 9-13 (2002).

⁵⁵ See *Madison River Communications, LLC*, *supra*; see also *In the Matter of Appropriate Framework For Broadband Access to the Internet Over Wireline Facilities*, CC Docket No. 02-33, Policy Statement, 20 FCC Rcd.14986 (2005); *In the Matters of Formal Complaint of Free Press and Public Knowledge Against Comcast Corporation for Secretly Degrading Peer-To-Peer Applications; Broadband Industry Practices Petition of Free Press Et Al. for Declaratory Ruling that Degrading an Internet Application Violates the FCC's Internet Policy Statement and Does Not Meet an Exception For "Reasonable Network Management"*, File No. EB-08-IH-1518, WC Docket No. 07-52, FCC 08-183, Memorandum Opinion and Order, 23 FCC Rcd.13028, 13049-50 (2008).

VOIP providers such as Millicorp. In that decision, the FCC's Enforcement Bureau entered a consent decree as a part of an investigation of a telecommunications carrier, Madison River Communications, LLC, whereby the Enforcement Bureau ordered this telecommunications carrier to cease the blocking of ports for VOIP applications or otherwise prevent customers from using VOIP applications.⁵⁶ Securus' and GTL's blocking schemes have the same practical effects as the prohibited conduct of Madison River Communications by blocking inmate calls to interconnected VOIP providers, such as Millicorp.⁵⁷

B. *No Legitimate and Rational Basis for Alleged Security Concern*

Securus' purported justification for the blocking of calls based on security concerns has no merit. No legitimate security issues exist with regard to Millicorp's service. Securus has all of the information (or the ability to request from Millicorp or its customer) needed to maintain security of communications from inmates to Millicorp's customers. Despite claims to the contrary by Securus, inmate confinement facilities have the complete and unhindered ability to monitor all calls to Millicorp customers and to regulate the recipients of all inmate calls to Millicorp customers.⁵⁸ Each phone number that an inmate desires to call must be pre-approved by the inmate confinement facility before the ICS provider programs the inmate phone system to accept calls to that number. In most cases, an inmate desiring to include a new number on the inmate's call list must supply certain information to the inmate's counselor, including the address where the number rings and the name of the person to whom the number at that address is registered. The inmate confinement facility is authorized to delay adding the new number to the

⁵⁶ See *Madison River Communications, LLC*, *supra*.

⁵⁷ We note that the Commission has generally prohibited blocking of calls in various communications service contexts. See, e.g., *In the Matter of Section 257 Triennial Report to Congress: Identifying and Eliminating Market Entry Barriers For Entrepreneurs and Other Small Businesses*, Report, FCC 07-181, 22 FCC Rcd. 21132 (2007) (prohibiting blocking of video relay service (VRS) communications by other VRS providers in order to obtain federal VRS funding); 47 C.F.R. §64.704 (prohibiting blocking of consumer access to operator service providers by payphone providers). Moreover, the Commission has emphasized that consumers, not common carrier providers, have the right to block unwanted communications, particularly as telecommunications technology moves more and more into a world of IP-enabled communications. See *In the Matter of Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, FCC 05-33, 20 FCC Rcd. 4685, 4698-99 (2005).

⁵⁸ See, e.g., State of Ohio Department of Rehabilitation and Correction Policy Section No. 004-01, Surveillance, p.2 (finding that inmate conversations conducted on telephones provided specifically for their use are not considered private and may be electronically monitored and recorded).

inmate's call list until after it confirms that the number rings at the location reported by the inmate, and that no one at that address is in any of the categories of people to whom calls are barred, such as judges or prosecuting attorneys.

Millicorp recognizes and appreciates the legitimate security interests of confinement facilities.⁵⁹ Securus supports its claims of a "grave risk to prison security and public safety" with letters sent to Securus from correctional authorities representatives all written the same week with nearly identical content.⁶⁰ Notwithstanding these letters and Millicorp's respect for their authors, Millicorp's service does not threaten in any way the legitimate security concerns of confinement facilities. An inmate desiring to call a particular Millicorp customer would give his prison or jail counselor both the phone number (local to the prison) assigned by Millicorp to that customer, as well as the Millicorp customer's name and billing address. If an inmate confinement facility desires to investigate a Millicorp telephone number before permitting the inmate to place calls to that Millicorp customer, it may do so in exactly the same way that it can investigate when an inmate asks permission to place a Securus or GTL customer on the inmate's call list. Moreover, because the inmate must first complete the call through Securus' or GTL's telephone equipment and network, the call is necessarily subjected to all security procedures and safeguards.

Securus has further sought to justify call blocking on grounds that Millicorp provides its services to its customers in a manner that violates inmate confinement facility security requirements because Securus allegedly does not know the identities of the Millicorp customers or even Millicorp itself and therefore the calls are "not traceable".⁶¹ As a result, it is alleged that the inmate confinement facility cannot properly screen the Millicorp customer before an inmate calls from a confinement facility to a Millicorp customer.

This allegation of the inability to identify Millicorp customers or Millicorp itself could not be further from the truth. In addition to providing Securus and thereby the relevant inmate

⁵⁹ Whether legitimate security concerns are appropriate is not at issue here. Millicorp agrees that legitimate security concerns must be satisfied. *See, e.g., Washington v. Reno*, 35 F.3d 1093 (6th Cir. 1994) (inmate has no right to unlimited telephone use; inmate's right to telephone access is subject to rational limitations in face of legitimate security interests of penal institution).

⁶⁰ *See* Securus Petition for Declaratory Ruling, Exhibits 18-28.

⁶¹ *See* Securus Petition for Declaratory Ruling at 11-12.

confinement facility with the Millicorp customer's local phone number, Millicorp's customers are required by the ICS provider to provide the full billing name and address of Millicorp's customer, as well as the name of their local service provider, such as Millicorp/ConsCallHome. All parties therefore know the precise identity of the Millicorp CCH customer and Millicorp as the local service provider, as the Millicorp customer must also setup an account with Securus (or the relevant ICS provider) to use the local number provided with Millicorp's service. Clearly, this is true because Securus representatives are asking for the name of the local provider and are blocking calls when the customer identifies his or her local provider as ConsCallHome.⁶² It has become apparent that Securus has clearly instructed its representatives to simply block most if not all calls from Millicorp's CCH customers.⁶³

Moreover, it is apparent to Millicorp based on its own experience in the marketplace, complaints it has received regarding Securus, and comments filed in this Commission docket, that Securus is not consistently blocking all providers, such as Millicorp/CCH and Vonage.⁶⁴ If Securus believes that these service offerings represent serious and grave security threats to confinement facilities and U.S. citizens in general, their practice seems disingenuous to block some calls and not others. If one such call is unsafe, then all calls would presumably be unsafe. Yet Securus is selectively blocking the calls of providers such as Millicorp/CCH, often those customers who have historically been the heaviest end users of the Millicorp CCH service offering. Moreover, the current and recent practice of Securus appears to be to allow new Millicorp/CCH customers to receive inmate calls for approximately one week and then block all inmate calls to the Millicorp/CCH customer's telephone number or simply consistently drop inmate calls to Millicorp/CCH customers so as to further disparage and tarnish the reputation of the Millicorp/CCH service offering.⁶⁵

⁶² See Exhibit A, Affidavit of Timothy Meade, ¶ 17.

⁶³ See *Id.*

⁶⁴ See Exhibit A, Affidavit of Timothy Meade, ¶ 22; Exhibit B, Customer Complaints to FCC regarding Securus and GTL Call Blocking; Comments of Leslie Miller, WC Docket No. 09-144, filed August 18, 2009; Comments of Cheryl Kay, WC Docket No. 09-144, filed August 18, 2009.

⁶⁵ See Exhibit A, Affidavit of Timothy Meade, ¶ 21.

C. *Millicorp's Service Not Prohibited Call-Forwarding or Three-Way Calling*

Securus has further sought to justify the blocking of calls to Millicorp's customers by claiming violation of confinement facility restrictions on call forwarding, which prohibit the recipient of an inmate call from forwarding that call to another number, and three-way calling.⁶⁶ Millicorp is aware that the Commission has recognized that it is a legitimate security interest for a confinement facility to prohibit "a scheme to evade calling restrictions via call-forwarding or three-way calling."⁶⁷ As a result, Millicorp has disabled the ability of its CCH customers to utilize any customer-initiated call-forwarding or three-way calling features for the CCH service offering.

In fact, Millicorp's CCH service does not violate any regulation prohibiting call forwarding. Each call by an inmate to a Millicorp CCH customer is routed (not diverted) automatically to the CCH customer's designated phone, just as a call by an inmate to a Securus local and long distance customer is directed automatically to the Securus customer's home phone. Neither Millicorp nor its CCH service facilitates in any way the ability of any CCH customer to forward any of his or her calls to any other number, and there is no greater risk that a Millicorp CCH customer would forward a call made to that Millicorp customer than there is that a Securus customer would forward a call made to that Securus customer.

Moreover, a Millicorp CCH customer that forwarded a call made to that customer to any location other than the location where the customer's phone rings would violate Millicorp's own internal policy and would be grounds for Millicorp to terminate its customer's service. Millicorp will terminate service immediately to any CCH customer that violates this policy. Millicorp is also willing to notify each of its CCH customers, both at the time the customer subscribes to Millicorp's service and on each monthly customer invoice, that both inmate confinement facilities and Millicorp policies prohibit the forwarding to any other number of any call received from an inmate.

⁶⁶ See, e.g., State of Ohio Department of Rehabilitation and Correction Policy Section No. 004-01, Surveillance, p.2 (requiring that inmates be informed that three-way calls and call forwarding are strictly prohibited and will be terminated if detected); Pennsylvania Department of Corrections DC-ADM 818, VI.C.2(h).

⁶⁷ See *In the Matter of Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 17 FCC Rcd 3248, 3252 (2002).

Further, the fact that Millicorp, in conjunction with its wholesale provider, completes a call to a Millicorp customer by routing the call via its IP router from Securus' local network to Millicorp's CCH customer does not violate the call forwarding proscription since all inmate calls – including those to Securus' customers—are completed by transferring the calls between various carrier networks. For example, the call of an inmate in a New York prison who calls an ICS provider customer in Boston originates on Verizon's exchange network where that prison is located, is transferred by Verizon to the ICS provider's network, and then is transferred back to Verizon's exchange network in Boston.

Finally and most importantly, it is clear that the security concern underlying the prohibition on call forwarding is simply not present with regard to Millicorp's CCH service. The security concern is that the call will be forwarded to a person not on the inmate's approved calling list at a telephone number unknown to the prison authorities. It is patently unreasonable to conclude that the IP-routing involved in Millicorp's service is prohibited by this regulation. The prison authorities know to whom and to where every call on Millicorp's service is made to the same extent that they know with a local or long distance call made using service provided by Securus.

There is no evidence that the use of interconnected VOIP service in the way provided by Millicorp in any way promotes illegal activity or in any way jeopardizes a confinement facility's security. Thus, there is no rational penological interest that is served by blocking calls to Millicorp customers as required under legal precedent cited by Securus.⁶⁸ As the FCC has stated "Correctional facilities must balance the laudable goal of making calling services available to inmates at reasonable rates, so they may contact their families and attorneys, with necessary security measures and costs related to those measures."⁶⁹ In the instant case, the balance weighs entirely on the side of reasonable rates and competition because Millicorp's CCH service presents no legitimate security concerns.

⁶⁸ See *Turner v. Safley*, 482 U.S. 78, 89 (1987) ("when a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it reasonably related to legitimate penological interests").

⁶⁹ See *In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Order on Remand and Notice of Proposed Rulemaking, CC Docket No. 96-128, 17 FCC Rcd 3248, 3276 (2002).

IV. CONCLUSION

For all these reasons, Millicorp requests that the Commission deny the Petition for Declaratory Ruling filed by Securus and prohibit Securus, GTL, and other ICS providers from blocking calls to the CCH customers of Millicorp.

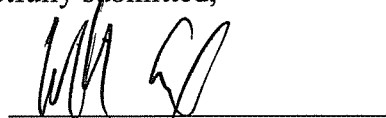
The Commission has sought to encourage competition as a matter of policy under the Telecommunications Act of 1996, and we are confident that the Commission will uphold the law of fair and reasonable competition and respond to the outrage of thousands of Americans. In the past, the Commission has summarily stopped efforts to block lawful and legitimate communications when brought to its attention. There is no rational and legitimate penological interest that would serve to override the Commission's consistent enforcement of federal communications policy that serves to prevent the type of blocking at issue.

It is more than apparent that Securus and GTL will not permit Millicorp to operate without a legal challenge to their call blocking practices. Further, these two industry leaders for inmate calling services are undoubtedly setting a damaging trend that other ICS providers will follow. If the Commission does not act now, companies like Millicorp will have to layoff workers and close their doors during the most challenging of economic times.

As a result, Millicorp requests that the Commission act quickly to stop the unlawful call blocking schemes of Securus and GTL in order to prevent further harm to the public interest so that Millicorp and other lawful and FCC registered service providers may continue to provide competitive, secure, and affordable services to the friends and families of inmates throughout the United States.

Respectfully submitted,

By:



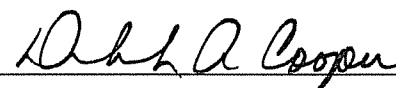
William P. Cox, Esq.
SHUMAKER, LOOP & KENDRICK, LLP
240 South Pineapple Avenue
10th Floor
Sarasota, Florida 34236
(941) 364-2733 (direct dial)
(941) 366-3999 (fax)

Counsel to Millicorp

Dated: August 28, 2009

CERTIFICATE OF SERVICE

I, Deborah A. Cooper, hereby certify that on this 28th day of August, 2009, the foregoing Comments to be served on the following persons via the FCC's Electronic Comment Filing System, First Class Mail*, or electronic mail**.



Stephanie A. Joyce *
Arent Fox LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Counsel to Securus Technologies, Inc.

Chairman Julius Genachowski **
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Robert M. McDowell **
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Meredith Atwell Baker **
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Donald Stockdale **
Deputy Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Michael J. Copps **
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Mignon Clyburn **
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Julie A. Veach **
Acting Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Lynne Engledow **
Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A361
Washington, D.C. 20554

Pam Arluk **
Assistant Chief, Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A361
Washington, D.C. 20554

Best Copy and Printing, Inc. **
Portals II
445 12th Street, S.W., Suite CY-B402
Washington, D.C. 20554

EXHIBIT A

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In re:)	
)	WC Docket No. 09-144
In the Matter of Petition for Declaratory)	
Ruling of Securus Technologies, Inc.)	

AFFIDAVIT OF TIMOTHY MEADE

Timothy Meade, being of proper age and first duly sworn, herewith states that this Affidavit is submitted in support of the positions of Millicorp in the above captioned docket, that the assertions in this Affidavit are true and correct to the best of his knowledge and belief, and that he would testify orally to the same assertions under oath.

1. I am the president, founder, and majority owner of Millicorp, whose business address is 9101 West College Pointe Drive, Suite No. 2, Fort Myers, Florida 33919.

2. Millicorp purchased the assets of Teleware, LLC in April 2009. Teleware was formed in January 2008 and was under the control and ownership of my sister Wendy Meade until the sale of Teleware's assets to Millicorp in April 2009.

3. Since early 2008, Millicorp and its predecessor Teleware, LLC have offered an interconnected voice over Internet Protocol ("VOIP") service to the friends and relatives of inmates located in federal, state, and local, public and private confinement facilities throughout the United States under the service offering ConsCallHome ("CCH") and utilizing the website ConsCallHome.com.

4. Millicorp provides pre-paid interconnected VOIP service to the friends and families of inmates by obtaining and reselling wholesale VOIP service, including a telephone number, from a wholesale interconnected VOIP provider for each Millicorp CCH customer that is a "local dial

number” in the community where the inmate that the customer wants to communicate with is incarcerated.

5. Millicorp then programs its Internet Protocol (“IP”) routers where this number resides so that all calls to that number from an inmate utilizing an inmate calling service (“ICS”), such as Securus Technologies, Inc. (“Securus”) or Global Tel*Link, Corp. (“GTL”) are routed automatically to the Millicorp customer’s designated phone device as selected by the Millicorp customer, and Millicorp uses its IP-based network to transport those calls from its routers to its customer’s selected phone device.

6. The Millicorp local telephone number near the relevant prison or jail and the billing name and address for the Millicorp customer are provided for security screening to the inmate confinement facility through the designated ICS provider in advance by the Millicorp customer as required by the inmate confinement facility.

7. Millicorp recovers all of its costs for its service in the price it charges its customers for its service, and the Millicorp customer must have a separate pre-paid account with the confinement facility’s ICS provider to cover charges assessed for the call by the ICS provider.

8. As a result, customers of inmate calling services that use Millicorp service pay the ICS provider, such as GTL or Securus, for the local call (an average of \$3.95 per call) and then pay Millicorp to transport the call to the friend or family member of the inmate at a rate \$.0456 to \$.079 per minute at a substantial savings over long distance rates charged by ICS providers as much as \$.90 per minute.

9. Millicorp markets its service primarily through Internet websites, including prison-related websites, and blogs, as well as its own website, www.ConsCallHome.com.

10. Millicorp provides its customers with a local telephone number in the same geographic area and local exchange rate center as the confinement facility where the inmate of the Millicorp customer is incarcerated.

11. Calls made by an inmate to Millicorp's CCH customer are routed via IP-transmissions to the designated phone device of the Millicorp CCH customer.

12. As a result of the use of interconnected VOIP technology, Millicorp CCH customers enjoy substantial savings over standard inmate calling services rates.

13. To the best of my knowledge and belief, Millicorp and its CCH service offering are currently in compliance with all Federal Communications Commission requirements for interconnected VOIP providers, including contributions to the federal universal service fund as required by Section 254 of the Telecommunications Act of 1996 and applicable FCC regulations.

14. Beginning in late 2008 and increasing rapidly through June 2009, inmate calling service provider GTL has systematically blocked calls from inmates to Millicorp's CCH customers. Securus also implemented a blocking scheme which has increased even more rapidly since May 2009.

15. Securus and GTL representatives have informed Millicorp CCH customers that the calls are blocked because the Millicorp customer billing address is in a different location than the local exchange rate center that corresponds with the Millicorp customer telephone number.

16. Securus and GTL representatives have also cited security concerns (*e.g.*, inability to identify Millicorp customer being called by inmate) and confinement facility regulations restricting call-forwarding and three-way calling as bases for blocking the calls to Millicorp customers.

17. These claims by Securus and GTL are unfounded because (1) these ICS providers have the actual knowledge or ability to determine the precise identity of the Millicorp CCH customer directly from these customers themselves when the customers sign up for pre-paid accounts with the

ICS provider; and (2) Millicorp's CCH service uses direct IP-routing to transport calls to its customers that is not call forwarding or three-way calling prohibited by confinement facility regulations.

18. Millicorp has cooperated with confinement facilities and law enforcement authorities on at least three separate occasions with regard to call detail information for security purposes.

19. Millicorp is aware of no legitimate security breaches that have occurred to date as a result of Millicorp's provision of interconnected VOIP services to the friends and families of inmates, and Securus, GTL, and any ICS provider have the full and complete capability to monitor all calls to Millicorp/CCH customers with no interference from Millicorp/CCH.

20. Millicorp disables all user enabled call forwarding and three-way calling features for its CCH service offering so as to comply with confinement facility regulations prohibiting call forwarding and three-way calling.

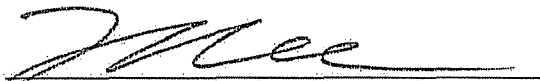
21. Securus and GTL representatives have repeatedly called Millicorp's CCH service illegal and fraudulent and have gone so far as to threaten to place in solitary confinement for three months any inmate whose family or friends subscribe to Millicorp's CCH service. The current and recent practice of Securus appears to be to allow Millicorp/CCH customers to receive service for approximately one week and then block all calls to the Millicorp/CCH customer's telephone number or simply consistently drop inmate calls to Millicorp/CCH customers, so as to further disparage and tarnish the reputation of the Millicorp/CCH service offering

22. Securus has made a number of misrepresentations in the instant Petition in this Commission Docket, including (1) Millicorp has no current customers and only one previous customer in the Lafayette County and Marion County, Missouri, jails; (2) Millicorp or its representatives never claimed that the Millicorp/CCH offering obtains telephone numbers from Securus; (3) Millicorp has never instructed or otherwise encouraged any of its CCH service offering

customers to provide false information or otherwise defraud correctional authorities or law enforcement; and (4) while the practice appears to be fluid and inconsistent, Securus appears to be blocking calls to the customers of other providers other than those cited in the instant Petition, including Vonage and Google Voice customers.

23. As a result of these blocking activities and repeated misrepresentations and given the size of Securus and GTL in the ICS market, Millicorp has been substantially harmed, losing approximately fifty to seventy percent of its average monthly customer revenues from customers who have discontinued Millicorp's CCH service offering and suffering significant harm to its goodwill and reputation.

Further Affiant sayeth not.

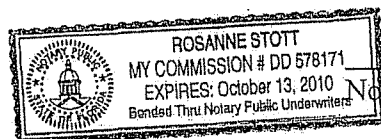


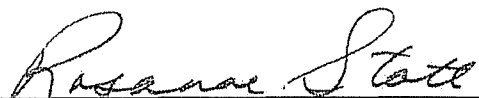
Timothy Meade
President
Millicorp

STATE OF FLORIDA)
) ss:
COUNTY OF LEE)

SUBSCRIBED AND SWORN to before me this 27th day of August, 2009, by

Timothy Meade
WITNESS my hand and official seal.





Notary Public

[SEAL]

My Commission expires: 10/13/10

EXHIBIT B

Millicorp FCC Complaint Customers

FCC Complaint Number: 09-C00136702

Dura Calcote [50]
durafaye@hotmail.com
(919) 894-3849

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

The local number I was given by Cons Call Home was used one time and then blocked. I get a similar story each time I call, which is at least 6 times. One lady, named "Mary" told me that they had problems with the previous owner of that number and all I needed to do was fax in to them that I was the owner of that number and they would unblock. I called after that and got "Josh" the floor supervisor and he told me that for security reasons that this number had been blocked because of three way calling or forwarding. He wanted me to add a new number so they can do it all over again to me. I refuse to get a new number because this is just an excuse on their part. He told me that this number could not be unblocked and that is all he could do for me unless I added a new number. This is so unfair and I have paid so much money for phone calls in the last 7 months to them. Around 100 per month to receive calls from Evercom and now look what they do to me. This number was set up to call my son's dad in Mississippi so that it would be a local call instead of the Evercom collect call there for almost 20.00 a call. "Josh" told me that "Mary" informed me wrong about faxing that info to them. I need this number unblocked ASAP. Thanks.

Additional Comments:

Correctional Billing Service (Evercom)

FCC Complaint Number: 09-C00137142

Donna Baumann [83]
sillylilly7@gmail.com
(606) 981-0007

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

I changed to a Kentucky address, a Kentucky phone number, a completely new e-mail address.....got a new phone number from you.....deleted all accounts with Correctional Billing Services (CBS).....new account is still blocked....back to outrageous phone bills from CBS....damn them

Additional Comments:

Correctional Billing Services (using T-Netix as their collection of monies via Western Union Quick Collect) states "a local phone number provided by another company (ConsCallHome) is against our policy which allows "no call forwarding"

FCC Complaint Number: 09-C00137861

Francis Casella [95]
FCasella57@gmail.com
(954) 558-3612

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

On the evening of July 9th, 2009 my fiance attempted to call me on my ConsCallHome line (606-259-0017) from Otter Creek Correctional Facility. She continually received a "THIS NUMBER IS RESTRICTED" recording. She then had to call me collect to tell me of this problem. I checked my CBS (Evercom) account and it showed status as BLOCKED. I called their customer service people, and they told me: "On July 2nd, we discovered that ConsCallHome has been engaging in FRAUD, and forwarding calls for their customers, which is in violation of security protocols, state laws, and Evercom policies. All accounts identified as being connected to a ConsCallHome phone number are permanently blocked and will be closed". I had no choice but to revert back to my ORIGINAL account with them, which as you know carries a connection fee and EXHORBITANT FEES.

Additional Comments:
FCC Complaint Number: 09-00136975

Glenda Sanders [96]
glynksink@yahoo.com
(541) 306-4181

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

From April, 2009 until May 21, 2009, I used your service in order to provide a local number for my husband to call me since I live in a different state. My phone company does not allow any collect calls so I also had to have Correctional Billing. I was paying \$56.00 for their service and \$24.00 for Cons Call home. Prior to the May date, my husband was able to call 22 times. On the 21st they changed the rate from a \$1.95 per call out of the jail to \$5.05 a call. Now he can only call 9 times for the same charge. During the time that we had your service our calls were interrupted and ended at least four times, saying that they did not allow third party calls. No company should be allowed to dictate and raise their prices so high so that the incarcerated person cannot talk to their loved ones. When I called Correctional Billing to find out why the rates had changed they said that they were losing too much money because some people's long distance bill was too high so they were raising all calls to even it out. So now I refuse to pay \$56. for only 9 calls and my husband can only call his mother whose phone accepts collect calls.

Additional Comments:

Blocked by Correctional Billing Services because they say that it is 3-way calling and they don't allow that. I haven't had your service since the start of June, 2009 because Correctional Billing Services raised their rates from \$1.95 a call to 5.05 a call. Instead of 22 calls, now it is 9 calls. They now say I need to get a different number for him to call on which is once again expensive.

FCC Complaint Number: 09-C00133885

Pam Allen [102]
Pamall3@charter.net
(757) 635-8771

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

Global Tel link informed me that when I signed up will you that was Illegal. That I was trying to over ride the system. They blocked all phone calls for at least a month so my son couldn't call home I guess they put me on restriction for trying to lower my bills.

Additional Comments:
FCC Complaint Number: 09-C00136844

kathleen Seagraves [126]
reggaewoman2@msn.com
(570) 595-6197

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

The last few days my son has not been able to call home because CBS has blocked my conscallhome number and my home number. He is 17, bipolar, and being held without bail over a hundred miles from home. With our account with conscallhome we have been able to keep in touch and keep him calm.

Additional Comments:

FCC Complaint Number: 09-C00136994

Diana Cornelius [159]
frogalot3@charter.net
(541) 759-3149

Securus - Evercom

Contact: Yes
CCH Cust: Yes

Comments:

During June 2009, a Texas Department of Correctional Justice, inmate friend tried to place a collect call to me, and got a recorded message stating the call could not be completed as the (local) phone number called "restricted". He called from the Correctional Corporation of America - Mineral Wells Pre-Parole Transfer Facility, located in Mineral Wells, Texas. This facility uses Evercom, which is the only company inmates have access to, to place outgoing calls, even when the call is made to a local phone number - local in relation to the Mineral Wells CCA facility phone number. This local phone number was my personal phone number, through my membership with ConsCallHome, which would relay the call to my Oregon phone number. My inmate then tried to place a collect call directly to my Oregon phone number and got the same "restricted" recorded message. When I was advised of this through a letter, I contacted Evercom, learning that Evercom charges a basic connect fee and a per minute fee, even when the call is to a local phone number. Inmates in a Texas county or city facility are able to place a collect call exactly as a person would from a public pay telephone (booth, i.e.). Upon calculating the Evercom cost for a 15 minute call in addition to the ConsCallHome minimum monthly membership/local phone number provision, it was immediately apparent that a call, solely using Evercom, would cost significantly less. Consequently, I cancelled my ConsCallHome membership. This resulted in a useless \$20 set up fee, as well as the first month's membership/call fee of \$15. I also contacted my new telephone service provider, Charter Communication, which informed me this type of call constituted a 3 party/3 way call, however, in order for me to receive calls from a correctional facility - city, county, intrastate or out of state - I would have to set up a pre-paid account with their company. In other words, though "civilian/free world" collect calls were not blocked on my phone number any collect call from a correctional facility was automatically blocked - "restricted". When I inquired about the "restricted" recorded message my caller had received, without any mention of inmate or correctional facility, Charter Communications immediately went into their spiel about a pre-paid account. Upon vigorous objection Charter Communications informed me this was necessary as they did not have other phone companies bill through them or a system in place for them to pass my payment on to the other company. I immediately informed them any other phone company I had previously had service through had never required a prepaid account, I was not about to prepay them for the privilege of receiving a collect call, correctional or otherwise, and cancelled my service on the spot, no further explanation or discussion allowed. I do not know if this is what resulted in the "restricted" recording, however, I do know that Evercom does have a monopoly on correctional facilities in Texas, has had one for at least 8 years, and as a result makes any cost reduction service, like ConsCallHome, totally and completely financially impractical. ConsCallHome provides an extremely practical service which financially promotes increased contact between inmates and family/friends, which in turn would have to have a positive effect on inmates emotional and mental state, therefore increasing the goal of incarceration - education and change in personal thinking and reduction of resistance to programs intended to reduce recidivism rates. I am heartened and encouraged by your attempt to bring these companies to their knees through legal action. If Ma Bell, why not these opportunistic, FCA allowed, yahoos!

Additional Comments:

FCC Complaint Number: 09-C00137501

Mary Erwin [161]
merwin5@suddenlink.net
(318) 442-2968

Securus - Evercom

Contact: Yes
CCH Cust: Yes

Comments:

While a family member was incarcerated in Rapides Parish, Louisiana in a facility less than 10 miles from home, Evercom charged exorbitant fees for collect calls to home. The inmates were not allowed to make local calls. They were all collect. The phone bills incurred were well over \$200.00 per month. Then, even though my phone bill was always paid current to what was then Bell South (Now AT&T) Evercom tried to restrict the number of calls made to my home number from the inmate. They should not be able to make those kinds of restrictions on a private telephone line. They should not be allowed to take such an unfair advantage of the circumstances. It is the family of the incarcerated person that is paying the price and they are already bearing the burden of so many other problems related to their loved ones being incarcerated. Not one time was my phone bill ever late. Evercom's charges were included on my monthly bill from Bell-South/AT&T and was always paid. After my family member was moved from Louisiana to the Federal Prison system I became aware of Cons Call Home and am so thankful for their service. Thank goodness for Cons Call Home! Mary Erwin

Additional Comments:

FCC Complaint Number: ex. 09-C00133885

Sandy Morningstar [169]
the_morningstars@hotmail.com
(702) 684-5584

Securus - Evercom

Contact: Yes
CCH Cust: Yes

Comments:

Before we found out about your company we had no choice in who we could use to talk with my grandson. Between my daughter and myself the calls were costing \$200 a week for each of us to talk with him once a day. They are famous for disconnecting the calls so that the inmate has to call back enabling them to charge another \$6 for us to just pick up the phone. So each 15 minute call was almost \$30.00

Additional Comments:

Needs to be a prepaid account at the cost of \$25 for a 15 minute call

FCC Complaint Number: 09-C00136607

Jack Blocker [223]
jaxlakeside@hotmail.com
(318) 255-9554

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

My friend is a state DOC inmate warehoused in a county jail. When I first tried to establish a phone connection I discovered that a 15 minute call with tax was over \$20. I called CBS and was told that the rate was established by the local supervision and they only charged what they were instructed to charge. I called conscallhome and established an account. The calls were now costing approximately \$6.00 for 15 minutes. Since I was trying to reconnect the inmate with her 3 children we made many calls. I am 11 hours away (747 miles) and I even asked for an extended visit because of the travel time and was told "forget it". Then the "gustapo" started playing their message during every call that no third party calls are allowed. My attitude was we are not making third party calls, we just don't want to be screwed so we can decide what to do about her kids. It made no difference they blocked my calls, so I called conscallhome and canceled my number and had a new one issued. When I attempted to set up a new account with a new number the jerk on the CBS line took my \$80 but then blocked me from using the number and told me that I was using conscallhome and they would not lift the block. Needless to say, I asked for a cancellation of the account and now I have to wait 4+ weeks to get my \$80 returned. If the administration of the Shelbyville, Ky Detention Center are going to suck the funds for state inmates then the state inmates should be governed under state regulations. The state regulation says that all inmates will be allowed access to phone privileges and will be charged a fee conducive to public cost. \$3.95 for the hookup charge and .89 a minute is not what the general public pays. I thought Louisiana was a blood sucking state but Kentucky has them beat.

Additional Comments:

What kind of games are going on here? You keep erasing what I type.

FCC Complaint Number: 09-C00136683

Clothida Young [248]
claudia5729@sbcglobal.net
(414) 313-9551

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

I have been dealing (CBS) for now 4years and without conscallhome service I would still be paying about \$90.00 to my local phone company because I was not under pre-pay until I joined with conscallhome, (CBS) is full of crap. And what they have done numerous of times is block my calls even though I would have made all current payments billed to AT&T for correctional calls they would then tell me I have to also pay them in order for collect calls to be unblocked, due to fact that they do not directly communicate with AT&T to see that I have paid amount owed. One month in total I paid well over \$800.00 by paying both AT&T and then being charged again from(CBS) in order for block to be lifted and that is when I contacted Consumer Protection who referred me to FCC I hope soon that a stop would be put to CBS that now go by the name Evercom thank you very much ConsCallHome for your cost saving plans that the company offers I would probably be homeless without this service. Just because I would like to receive collect calls from a love one incarcerated.

Additional Comments:**FCC Complaint Number: 09-C00137096**

Corlin and Marie Quick [255]
m.quick@mchsi.com
(260) 665-6286

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

When our daughter was at the OWR in Marysville Ohio we were able to talk to her for 15 minutes for \$1.01. She was moved to Cleveland NEPR. Because another family member had such a struggle with Global-Tel trying to get things switched we did not even try. Our calls still go through the ConsCallHome we have in Marysville, Ohio but it now costs us \$10.00. This is a strain on our budget. Our daughter does not have the freedom to call as often as she would like simply because we can not afford it. Global-Tel is very hard to work with and makes the process long and drawn out. We do more sitting and waiting for them to return a call to us when we have a billing question. They have told us using ConsCallHome is breaking the law. Global Tel wants to blame the prison and the prison tells us it's Global Tel's rules. I wish we could get a Cleveland number from ConsCallHome so our daughter would have the liberty to call when she needs us rather than on a limited bases. Now we can only make one call for every 10 calls that we made when she was in Marysville. Please Help.

Additional Comments:

GTL told us using ConsCallHome was not legal and that they were follow prison rules. The prisons tell us they have nothing to do nor no control over GTL. We get the run around. ConsCallHome saves us a considerable amount of money if we would be able to use a local Cleveland number for our daughter to call home.

FCC Complaint Number: 09-c00133885

Diane Richards [271]
dia44@hotmail.com
(318) 224-1979

Securus - T-Netix

Contact: Yes
CCH Cust: Yes

Comments:

From Oct.2008 to Feb.2009 My phone bill was outrageous.I bought a AT&T phone and still they wouldn't let the calls through. I got a number from conscall and still the calls wouldn't come through. T-Netix is just a rip off.

Additional Comments:

Tnetix put the block on

FCC Complaint Number: 09-C00136691

LISA TURNER [274]
l.turner50@yahoo.com
(859) 523-5249

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

restricted my calls when i called them they told me due to secutity reasons, so i tryied with 2 more numbers that i got from cons call home they told me one of them was already in use and the second one would not pass their test

Additional Comments:

was told for security reasons

FCC Complaint Number: 09-C00136704

Nichole Michaels [289]
followthegenio@yahoo.com
(903) 348-0478

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

When my loved one tried to call me, they blocked the call from going thru, and I they told me I have to pre pay them in order to recieve calls, the requested a fax with a bill, which was provided. they told me it would take 3 to 5 business days, the fax was sent on July 1st, it still hasn't been processed, I still can't recieve calls. When I call to check with them, they told me that their fax dept. was in Alabama and their call center is in Colorado and they didn't know how to call the fax dept. So needless to say, I live in Texas, my loved one is in San Diego, mail takes 3 days to get there, then 7 to 10 days to process, so imagine the hell I'm living in thanks to GTL

Additional Comments:

I don't have a reason, you provided the bill via fax and they still wont unblock my number - my loved one cant call me and I'm paying for a service I can't use.

FCC Complaint Number: 09-C00136599

Theodore Bogan [293]
Ted13@cox.net
(757) 548-5354

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

We were using conscallhome and saving over 70% (but the Commonwealth of Virginia was not getting any rebates from our phone bill). We had great service and were very, very happy with the service provided. GTL blocked the collect calls placed via the local number we had set up. They denied, denied, lied and finally after many phone calls, registered letters and withholding payment admitted they had blocked the collect calls via our local line. They said "this is not legal in Virginia". But, of course, could not provide any legal documents supporting this claim. When we contacted conscallhome they immediately refunded our money and were very understanding. WE ARE STILL HAVING PROBLEMS WITH GTL, WE ARE PREPAYING AND THEY STILL BILL US. Taking our money and then billing us. Giving us all kinds of reasons. Of course, they never answer the phone live, or will accept any emails, or return messages via emails. I AM CERTAIN THIS IS BECAUSE THEY DO NOT WANT ANY PAPER TRAIL. My wife, Janie and I have all the necessary documentation. Best of luck helping free enterprise survive. The Commonwealth is also responsible because they are only interested in the rebates, not the pricing GTL charges. Very Respectfully, Ted Bogan

Additional Comments:

GTL, after months of inquiring said call forwarding is "illegal" in Virginia, but could not provide supportive documentation.

FCC Complaint Number:

Hulbina Hirst [321]
bajogrande@hotmail.com
(614) 379-5065

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

Correctional Billing Services , blocked my account 2 months after i have set an account for no reason , i call customer services and speak with a representative and they told me , it was not reason the account is block and is nothing they can do , so i requested to talk to a supervisor and he told me the same thing .they still own me an amount of \$46.00 .

Additional Comments:

No reason was provided.

FCC Complaint Number: 09-C00136571

Rachel Wisner [323]
rawisner@gmail.com
(410) 259-9779

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

I have been receiving calls through ConsCallHome.com since March and have two phone numbers. One of my numbers was blocked by CBS for "fraudulent activity" and I was unable to receive calls on that number any longer. I had to request a new number from ConsCallHome.com in order to continue hearing from my loved one. For my loved one to call me direct on my home phone or cell phone, the cost is \$2.50 to connect and up to \$0.30 per minute thereafter. If not for ConsCallHome.com, I would not be able to communicate with my loved one as often.

Additional Comments:

"Fraudulent activity" and "security risk"

FCC Complaint Number: 09-C00136730

Joel Christopherson [336]
jrc5173@hotmail.com
(715) 497-8754

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

On 6/27/09 my partner, Timothy tried to call me from the Leavenworth, KS CCA facility. He said my call came up as restricted on the recording. He was able to call me on a prepaid calling card to let me know what was going on. That night I contacted Evercom (CorrectionalBillingServices) to see why there was a block on my account. The operator put me on hold while she looking into my account with them and after 5 minutes came back and told me that the block was coming from my phone provider and I needed to contact them to remove the block. The next morning I contact ConsCallHome and they told me about the massive block Evercom had on their numbers. Since my account was about to renew and I couldn't afford to be paying for a service that would be useless to me, I had to cancel my ConsCallHome account.

Additional Comments:

Evercom (Correctional Billing Services) placed the block on the number I had from CCH. Evercom told me it was the phone provider that had put the block in place so calls would not go thru. When I contacted CCH, they informed me that Evercom had blocked all the numbers provided by CCH.

FCC Complaint Number: 09-C00137083

harriet yount [391]
littleb69@hotmail.com
(928) 377-1102

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

I will be emailing you the report you sent me today from work. they told me that we are not allowed to have call forwarding and that is why all of us were blocked and they wil not remove the block.

Additional Comments:

call forwarding not allowed

FCC Complaint Number: 09-c00136810

laverne hurd [420]
vernurd@gmail.com
(410) 979-7323

Securus - T-Netix

Contact: Yes
CCH Cust: Yes

Comments:

My son tried to call me on 07/11/09 and he said the phone was blocked. I call T-Netix and they said it was not a blocked on my phone. That's when I call ConsCallHome and they told me what was going on. I think it's a shame I they want to charge us \$2.85 a minute for a phone call.

Additional Comments:

That one of my numbers is rerouted to a other number and that number exceed the number of calls it can recieve.

FCC Complaint Number: 09-C00137399

Carol Vogt [431]
getch4459@yahoo.com
(419) 647-6065

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

I have a 615-713-1422 for my friend to call home on. He called here once from Northwest Prison complex, after I put money on the number, the phone wouldn't ring in at my home when he called. So now I have to pay almost 5.00 for the hook up from global tell link when he calls then 62 cents afterwards. So now we only talk once or twice a month cause I am on a fixed income. Right now he needs to talk to me cause he has colon cancer and is going to have surgery July 20th. It just isn't fair he could die from this.

Additional Comments:

the number just wouldn't ring in on home phone after I prepaid it, when inmate tried to call home using it.

FCC Complaint Number: 09-C00136828

Vaughn Chatman [439]
mrvrc@att.net

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

I was told the local phone number paid for by me and received from Cons-Call-Home, violated the policy of Correctional Billing Service and therefore the number, 601-667-4307 was blocked. This forced me to use my other number, which cost me exorbitant long distant charges which benefit Correctional Bill Service. I believe this to be a violation of my right of free choice while denying my legal right to communicate with my client.

Additional Comments:

The local number issued to me by Cons-Call-Home, according to Correctional Billing Service, was blocked because the local number violated their (CBS) policies and practices.

FCC Complaint Number: 09-C00137184

Allison Gradwell [526]
avcgrad@verizon.net
(410) 461-8052

Global-Tel-Link

Contact: Yes
CCH Cust: Yes

Comments:

I was given a local NY number by Cons Call Home. It never worked for my son. The prison (Downstate) said I needed to talk to Global Tel and they said that some prisons did not recognize this service and that he had to use Global Tel. I decided to cancel my agreement with ConsCallHome because either the prison or Global Tel did not recognize the number.

Additional Comments:

GTL said the Downstate Correctional Facility did not allow the service from ConsCallHome.

FCC Complaint Number: 09-C00136569

Angela Rosenberg [533]
angelanadam2008@yahoo.com
(502) 265-1149

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

Anthony Bravo #8916 July 10, 2009 @ 12:47 EST I was told the number was blocked because of the following reasons: the facility blocked it. remote call forwarding. But he did unblock the number, only to be reblocked after the first call back through the number. Mary #8619 I was told the number was being blocked because of the facility, because it was fraudulent, because it had extra services, because it was remote call forwarding. Anytime I gave her a rebuttle she'd come up with another reason. She then transferred me to her supervisor who recorded the part where I read her the letter provided to me through email, and then asked me to fax them a copy of the letter. Her name was Susam #7416. She also told me that she can't unblock my number because it does not have the same area code where I live.

Additional Comments:

fraudulent, not in the same area code, not allowed by the facility

FCC Complaint Number: 09-C00136614

Barbara Burns [539]
barbara.burns@wildblue.net
(913) 634-7855

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

Correctional Billing Services has stopped excepting calls from my daughter in Waseca, MN and has also erased all evidence from my account that shows she has ever called me from that facility. They have now blocked my phone from receiving call from that facility.

Additional Comments:

FCC Complaint Number: 09-C00137114

Dennis Richardson [544]
dennisrichardson18@yahoo.com
(513) 288-2560

Securus - Correctional Billing (CBS)

Contact: Yes
CCH Cust: Yes

Comments:

Call Correctional Billing Services on Friday July 12 at 3:00 PM. Talked to Fran Anaia. I tried to add your (my) # 502-317-0039 to my account again. She said that number is restricted, and the system is denying it.

Additional Comments:**FCC Complaint Number: 09-C00136700**

Mary Barbee [549]
sweet777pea@netzero.com

Securus - T-Netix

Contact: **Yes**
CCH Cust: **Yes**

Comments:

My family member in Central Virginia Regional Jail (CVRJ) used to call me collect. It was costing me nearly \$10 for 15 minutes. T-Netix was listed beside the charge on the phone bill. I live about 60 miles away CVRJ. The incarcerated family member was calling other family members who live about 10 miles away for less than \$2 for the same about of time. I wanted to talk to and support him, but the cost was more than I could afford. I contacted ConsCallHome and subscribed for their service. I then got calls more affordably for several months. Recently, my ConsCallsHome local phone number for the CVRJ was blocked. My family member can no longer call me. I don't know what to do. He is in need of my support and communication.

Additional Comments:

T-Netix

FCC Complaint Number: 09-C00137076

Bonnie Kaufmann [559]
bk@shentel.net
(540) 860-2664

Global-Tel-Link

Contact: **Yes**
CCH Cust: **Yes**

Comments:

We feel we have been greatly harmed by the global tel company when we tried on many occasions to get them to allow the new phone number to be set up on our account. They refused and stated adamantly - specifically the manager/owner stated it was illegal. I challenged him to provide it to me in writing and he did not. I tried and tried and to date - I'm still having to pay about seven dollars a call with our son in Haynesville Detention Center in VA. I have expressed my concerns about this with Cons call home - and they are aware that I am eager to get this matter before authorities to find out once and for all if it is illegal or not. We want to also be refunded the extra expenses we've had to incur, not to mention the stress it has caused us and our son - when we cannot afford the phone calls, we feel we are being held hostage financially. It is not the American Way. Certainly not ethical.

Additional Comments:

r

FCC Complaint Number: 09-C00133885

Mary Tyler [581]
ssmktgrafton@yahoo.com
(603) 747-8078

Securus - Correctional Billing (CBS)

Contact: **Yes**
CCH Cust: **Yes**

Comments:

My son is an inmate at Western Tennessee Detention Facility in Mason TN. We have enjoyed being able to talk twice weekly through conscallhome service. Beginning July, 2009, he has attempted to call me several times, but the calls have been blocked. He has called me once collect to let me know why he has not been calling. I hope we can continue to connect through conscallhome.

Additional Comments:

The phone numbers have been blocked by Correctional Billing Services

FCC Complaint Number: 09-C00136828

Vaughn Chatman [601]
mrvrc@att.net
(916) 868-2226

Securus - Correctional Billing (CBS)

Contact: **Yes**
CCH Cust: **Yes**

Comments:

This is a an additional comment from my previous comment on this matter. It has come to my attention that the Madison County Detention Center in Canton, Mississippi, may be complicit in allowing and supporting Correctional Billing Service and their policies and practices that have systematically denied inmates, their families and loved ones, affordable telephone communications, because they receive a part of the revenue generated from the appalling and unregulated CBS policies and practices. Therefore, any local jail or federal facility who benefit from these policies and practices, should be named defendants in any lawsuit brought on behalf of inmates, their families and loved ones. In most cases, these policies and practices amount to "Cruel and Unusual" punishment. Regards, Vaughn R. Chatman

Additional Comments:

The local number issued to me by Cons-Call-Home, according to Correctional Billing Service, was blocked because the local number violated their (CBS) policies and practices.

FCC Complaint Number: 09-C00133885

Dewey S Brown [602]
dewey.s.brown@att.net
(317) 852-0174

Securus - Correctional Billing (CBS)

Contact: **Yes**
CCH Cust: **Yes**

Comments:

I received communication from my friend at the Rockville Correctional Facility in Indiana the when she tried to called stated my number was Restricted.

Additional Comments:**FCC Complaint Number: 09-C00136661**

Sherri Albrecht [618]
albrecht_sherri@hotmail.com
(262) 364-9912

Securus - Correctional Billing (CBS)

Contact: **Yes**
CCH Cust: **Yes**

Comments:

I was given a local # by conscallhome so that I could talk to my boyfriend in the Waushara county jail in WI. Out of the blue one day, about a month and a half after I got the #, CBS blocks it. I called them to try and understand why this # was blocked. They tell me something about their "security system identified a potential risk". A risk of what no one could tell me. Also they tell me that their "back office" is working on unblocking the #, yet conveniently for them this "back office" doesn't have a telephone # to get in touch with anyone by. All they have is an email address that they say can take up to 30 days to respond and a fax number.

Additional Comments:**FCC Complaint Number: 09-C00136731**

Pat Maxwell [619]
 patmax5@yahoo.com
 (817) 685-0744

Securus - Evercom

Contact: **Yes**
 CCH Cust: **Yes**

Comments:

My son tried to call me using the conscallhome number that was given to me when I signed up and it said it was a restricted number. I happened to be at my mother's house today and he called her collect. He had tried to call me collect but it also said my number was restricted. I have AT&T Uverse voice for my home phone service, it comes thru my internet service with them.

Additional Comments:**FCC Complaint Number: 09 C00133885**

Cynthia Toth [627]
 cynthiasmusings@yahoo.com
 (785) 554-0583

Securus - Correctional Billing (CBS)

Contact: **Yes**
 CCH Cust: **Yes**

Comments:

I was told by the CCA facility in Leavenworth KS (Evercom) that the "numbers were under investigation" and that they had been blocked. I about drove off the road. I have not cried this hard since my inmate was taken away. He has been at this facility seven months and the numbers were blocked four times. I had to call Cons to ask if they were under investigation as a company because the wording implied that I might be and knew I had been using the numbers rightfully for weeks. I have never been so angry because I call this extortion. I not only have to pay three times the money but I am also working with the lousiest phone company ever. The phones go off repeatedly without warning, the message says we have touched additional digits which we know we haven't, the money is not returned for 8-10 weeks when an account is closed down and the minimum they will accept is \$50 to set up a new account.

Additional Comments:**FCC Complaint Number: 09-C00137539**

Okeema Thomas [633]
 ttkeem1@aol.com
 (267) 251-8063

Global-Tel-Link

Contact: **Yes**
 CCH Cust: **Yes**

Comments:

I was able to successfully open up an account & use my conscall home assigned number from Oct 08 to Jan 09. In mid Jan 09, GTL blocked my conscall home number. When I called GTL to find out what the problem was/get it unblocked, I found out further, that they were simply blocking all numbers that were local to the facility (sussex one state prison, waverly, VA) & once each of these customers called in, they asked what's your local telephone company. I told them it was teleware & then they asked me what city I lived in, when I told them portsmouth, VA; they then asked me why didn't I have an area code local to portsmouth & that I should have an area code local to my city of residence. They further stated that since I did not have a phone number local to my city, that I must have been using a call forwarding service or VOIP service, which they do not allow. Thank you so much for fighting these companies & most of all including me in this fight!! Okeema

Additional Comments:

According to them I must have a VOIP or call forwarding type service, which they do not allow & I do not have an area code local to my city & state (Portsmouth, VA)

FCC Complaint Number: 09-C00137035

Lori Hess [640]
 lhess@indy.rr.com
 (317) 281-8450

Securus - Correctional Billing (CBS)

Contact: **Yes**
 CCH Cust: **Yes**

Comments:

I was allowed to use my CCH number once before CBS blocked it. It took me an hour to find a CBS representative who could give me a weak explanation that their equipment detected a security threat and blocked the line. I pushed him for an more precise explanation. All he would say is that I was not allowed to have a feature on the line. After an hour on the phone of me explaining that this was in direct violation of FCC regulations, the still refused to unblock the line.

Additional Comments:**FCC Complaint Number: 09-C00136679**

Linda Kocsis-Diaz [661]
 lkocsis1@msn.com
 (802) 483-6488

Securus - Correctional Billing (CBS)

Contact: **Yes**
 CCH Cust: **Yes**

Comments:

Please see my original email to CBS/T-netix and their obviously bogus response, which includes a threat about privileges. There is no "security" issue here--all calls are monitored and recorded--just an issue of greed and an attempt to illegally monopolize the market. I have heard that CBS/T-netix gives a kickback to the jails and prisons. With the criminally high rates they charge, there would certainly be plenty of funds available for them to do so. Once again, correctional systems are riding high on the backs of the poor and disenfranchised. Please let me know if I can help. I'm a Vermont physician whose husband is in a California jail. I'm fairly eloquent and make a good physical presentation, and would be happy to write letters, appear for testimony, etc. Sincerely, Linda Diaz, MD Original Message-----From: Linda Diaz (lkocsis1@msn.com) Sent: Jul 13, 2009 10:48:36 AM Subject: account number 3171700 Re: Account# 3171700 passcode 1957 password primos1 My account has been blocked. It still has a credit balance on it, and I have checked with my local phone company and there are no restrictions on my number or any issues with them. I have an outstanding credit rating and have never had anything like this happen to me. Please unblock this account immediately. My 90-year-old mother is very ill with cancer, and it is very important that I be able to receive my husband's calls. Thank you, Linda Diaz RE: account number 3171700 (#6529-140299687-8205)? From: Correctional Billing Services (Customer_Service@correctionalbillingservices.com) Sent: Tue 7/14/09 9:40 AM To: Linda Diaz (lkocsis1@msn.com) Dear Valued Customer, We do apologize for the inconvenience. The telephone number which you are using is not allowed by our system. These calls pose a security threat and continuation of these activities may result in suspension on privileges for your "Loved One" in the jail. If you would like to receive calls you will need to provide another number to set the account up. Thank you, Customer Care68882104-----

Additional Comments:

FCC Complaint Number: 09-C00136951

Roxanne Walters [688]
roxannemw14@msn.com
(507) 202-9230

Securus - Correctional Billing (CBS)

Contact: **Yes**
CCH Cust: **Yes**

Comments:

My Correctional Billing Services account was blocked. When I called to question the reason why, I was told it was due to investigation of fraud. I opened a new local number through Cons Call Home which was also blocked the very next day. I am now being charged a considerable lot more money for phone calls through Correctional Billing Services, which has greatly limited my ability to communicate with my loved one.

Additional Comments:

Whichever one is Correctional Billing Services? The reason they gave me was "suspicion of fraud." They blocked access to my local numbers provided by Cons Call Home and allowed me to use their service only if I pay long distance fees.

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

v.

INGREAT SWIFT

**SUBPOENA IN A
CRIMINAL CASE**

Court Number: 2:08-CR-329-JCM-LRL

TO: ATTENTION: WENDY MEADE, CUSTODIAN OF RECORDS
TELEWARE, LLC

(X) YOU ARE COMMANDED to appear in the United States District Court at the place, date and time specified below to testify in the above case.

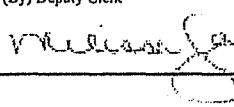

PLACE United States Courthouse 333 Las Vegas Boulevard South Las Vegas, Nevada 89101	COURTROOM Honorable James C. Mahan Room Number: 6A DATE AND TIME May 18, 2009 9:00 AM
--	--

(X) YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please provide subscriber information, to include name, address, date of birth, social security number, any associated telephone numbers, ESN number, reseller contact number, dates of service, and toll records from August 1, 2007 to present for (702) 789-0816. If you have any questions pertaining to this subpoena, please call FBI Special Agent Eric Cunningham at (702) 584-5570.

IN LIEU OF PERSONAL APPEARANCE, PLEASE MAIL THE REQUESTED DOCUMENTS TO THE AUSA LISTED BELOW. IF ORIGINAL DOCUMENTS, PLEASE SEND VIA REGISTERED MAIL.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK OF COURT LANCE S. WILSON (By) Deputy Clerk  	DATE 3/18/2009
--	------------------------------

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

AUSA Christina Brown (702) 388-6536
333 Las Vegas Blvd. S., Ste 5000
Las Vegas, Nevada 89101

TeleWare LLC.

9101 W College Pointe Dr
Suite 2

Fort Myers, FL 33919
☎ 239.321.6123

April 24, 2009

AUSA Christina Brown
333 Las Vegas Boulevard, S
Suite 5000
Las Vegas, NV 89101

RE: UNITED STATES OF AMERICA VS INGREAT SWIFT
COURT NUMBER 2:08-CR-329-JCM-LRL
LAS VEGAS PHONE NUMBER (702) 789-0816

Dear Ms. Brown,

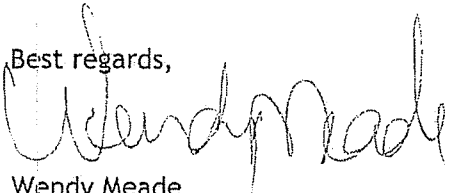
In response to your subpoena dated 18 March 2009, please find attached the monthly billing statements for the account having the phone number (702) 789-0816. This account was established on 3 November 2008 around 5:30 PM EST under the following personal information:

Hollie Davis
1613 Farnam St.
Apt 705
Omaha, NE 68102
Phone: (402) 203-5643
Email: hdavischangingchildforgod@gmail.com

Each statement provides both a daily summary of total calls received and a detail list for each call during the billing period. Each detail record lists the original Caller ID and the ultimate destination phone where the call terminated. This account remains active and in good standing.

If you have any further questions, please do not hesitate to contact us. Please note, we have moved our offices and the new address is at the top of this letter.

Best regards,


Wendy Meade
Managing Member

/encl



No. DFO-09-038

Office of the Inspector General
DEPARTMENT OF JUSTICE
Washington, D.C.

SUBPOENA DUCES TECUM

ConsCallHome.com
Attention: Custodian of Records
P.O. Box 101379
Cape Coral, Florida 33910
Telephone: (888) 524-6151
Fax: (888) 536-8238

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE *Special Agent Rachel M. Hart, an official of the U.S. Department of Justice, Office of the Inspector General, at 2505 N. Highway 360, Suite 410, Grand Prairie, Texas 75050, on the 10th day of December 2008, at 9:00 o'clock a.m., in connection with an investigation into allegations of misconduct by an employee of the Department of Justice. And you are hereby required to bring with you and produce at said time and place all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence relating to:*

These records should include, but are not limited to the following:

Any and all records related to any accounts associated with the use or assignment of telephone number (870) 260-2030 for the time period of January 2007 through the present. Additionally, any accounts associated with the following individuals, also for the time period of January 2007 through the present: Tracy L. Terry, Kany Traore', Sheryl Terry, Sheryl Smith, Mary Harris, Mary Dobbins, Mark Caster, Lona Meadows, Steve English, Jan Crow, Fernando Tejada, Maria Tejada, Eliana Vasquez, Kelvin Tejada, or Luis Tejada.

which are necessary in the performance of the responsibility of the Inspector General under the Inspector General Act of 1978, as amended, Title 5 of United States Code, App. 3, to conduct and supervise audits and investigations, and to promote economy, efficiency, and effectiveness in the administration of, and to prevent and detect fraud and abuse in and relating to, the programs and operations of the Department of Justice.

IN TESTIMONY WHEREOF, the undersigned,
the Inspector General of the DEPARTMENT
OF JUSTICE, or his designee, has hereunto set
his/her hand on this

12th day of Nov 2008.
SAC. Raymond. Beamer

PLEASE NOTE: Responsive documents may be mailed to: SA Rachel M. Hart, DOJ, Office of the Inspector General, 2505 N. Highway 360, Suite 410, Box 21, Grand Prairie, Texas 75050. If possible, please e-mail responsive records to Rachel.M.Hart@usdoj.gov.

TeleWare LLC.

PO Box 101379
Cape Coral, FL 33910
888.524.6151

November 14, 2008

Special Agent Rachel M. Hart
Department of Justice/Office of the Inspector General
2505 N. Highway 360
Suite 410, Box 21
Grand Prairie, TX 75050
VIA EMAIL

RE: CASE NUMBER 2007009334
SUBPOENA DUCES TECUM

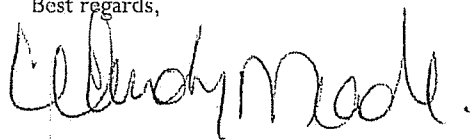
Dear Agent Hart:

Per our conversation on 13 November 2008 and in response to the above mentioned subpoena, we do not have any records or information for the telephone number 870.260.2030 or the following individuals named in the subpoena:

Tracy L. Terry, Kany Traore, Sheryl Terry, Sheryl Smith, Mary Harris, Mary Dobbins, Mark Caster, Lona Meadows, Steve English, Jan Crow, Fernando Tejada, Maria Tejada, Eliana Vasquez, Kelvin Tejada or Luis Tejada.

Please let me know if there is any additional information I can provide or if you have any questions.

Best regards,



Wendy Meade
Managing Partner



EXHIBIT D

ABEL | BAND[®]

ATTORNEYS AND COUNSELORS AT LAW

Mailing Address: P.O. Box 49948, Sarasota, FL 34230-6948

240 South Pineapple Avenue
Sarasota, FL 34236
TEL 941-366-6660
FAX 941-366-3999

WWW.ABELBAND.COM

William P. Cox

Writer's Direct Line: (941) 364-2733

Direct E-mail: wcox@abelband.com

Please refer to our file number: 17962-5

May 22, 2009

VIA FACSIMILE AND U.S. MAIL

Stephanie A. Joyce, Esq.
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Re: ***Securus Technologies, Inc: Cease and Desist Letter***

Dear Ms. Joyce:

Please be advised that our law firm represents Teleware, LLC. Our client has received your letter dated May 13, 2009, sent on behalf of your client Securus Technologies, Inc. demanding that Teleware cease all activity related to the Lafayette County correctional facilities within forty-eight (48) calendar hours of May 20, 2009.

The purpose of this letter is to confirm that my client strongly disagrees with your allegations made regarding my client's legitimate business operations. We respectfully dispute your letter's assertions and demand that your client and its agents cease and desist immediately from making such disparaging and defamatory statements regarding our client.

Should your client continue to make defamatory comments or interfere in Teleware's business relationships, I fully expect that my client will file a lawsuit against your client for injunctive relief and for damages and avail itself to all other appropriate legal remedies.

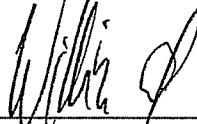
ABEL BAND, CHARTERED

Stephanie Joyce, Arent Fox LLP
May 22, 2009
Page 2

We believe that it is in the best interest of all parties to reach an amicable resolution of this matter. In that regard, I will contact you by telephone no later than **May 29, 2009**, in an effort to resolve this apparent dispute. Thank you for your attention.

Very truly yours,

ABEL BAND, CHARTERED



William P. Cox

WPC:dac

cc: Mr. Timothy Meade, Teleware, LLC
Jeff Brown, Esq., Lavalley, Brown, Ronan & Mullins, P.A.